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In re Application of
INGEMARSSON, Anders
U.S. Application No. 10/507,292
PCT No.: PCT/SE03/00408
Int. Filing Date: 13 March 2003
Priority Date: 12 March 2002
Attorney Docket No.: 12400-019
For: A SEAT-BELT ARRANGEMENT

PETITION UNDER
37 CFR 1.182

This decision is issued in response to applicants' "Response to Notification of Defective Response" filed 19 August 2005, which is being treated as a Petition under 37 CFR 1.182 to change an inventor's name. The petition fee of \$400 has been charged to counsel's Deposit Account No. 23-1925.

BACKGROUND

On 13 March 2003, applicant filed international application PCT/SE03/00408 which claimed a priority date of 12 March 2002. The international application named Anders Ingemarsson as applicant/inventor. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 12 September 2004.

On 08 September 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); the international application; and a preliminary amendment.

On 14 March 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 13 June 2005, applicant filed "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office."

On 23 June 2005, the United States Designated/Elected Office mailed a Notification of Defective Response indicating that the oath or declaration filed 13 June 2005 was not in compliance with 37 CFR 1.497(a)-(b).

On 19 August 2005, applicant filed "Response to Defective Response" which included a declaration executed by Anders Lenning, formerly known as Anders Ingemarsson.

DISCUSSION

A review of the declaration reveals that applicant/inventor has changed his/her name. In this situation, the Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order. As noted above, the \$400 petition fee has been charged to counsel's Deposit Account No.23-1925, and thus item (1) has been satisfied.

With regards to item (2), applicant has not provided an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order. Therefore, item (2) has not been satisfied, and thus the petition may not be properly granted at this time.

Further, the declaration filed on 19 August 2005 is illegible due to the facsimile/copying process. Therefore, a newly executed declaration of the inventor is required.

CONCLUSION

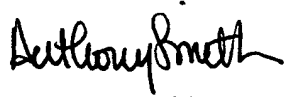
For the reasons above, the petition is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required.

A proper response must include an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to:
Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box

1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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